

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

DATANET LLC,

Plaintiff,

v.

DROPBOX INC.,

Defendant.

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CIVIL NO. 6:22-CV-01142-OLG-DTG

JURY TRIAL DEMANDED

ORDER ON NOVEMBER 2, 2023, SHOW CAUSE HEARING

On November 2, 2023, the Court held a Show Cause Hearing on the parties' proposed redactions to the Court's Sealed Order Denying Defendant's Motion to Transfer Venue on October 17, 2023. ECF No. 80. This order memorializes the Court's ruling at the hearing. The parties had been directed to submit a redacted version of the order for publication under the Court's June 2, 2022, Standing Order Regarding Filing Documents Under Seal and Redacted Public Versions. The Court received the parties' jointly proposed redactions via email on October 25, 2023. The Court's review of the proposed redactions found, and the parties did not dispute at the hearing, that the parties' proposed redactions to the Court's order included redactions of information and argument that was not filed under seal by the parties in their public briefing.¹ The parties did not dispute that their public briefing included, for example, unsealed information on: the address of Dropbox's datacenter in Richardson, Texas; the other datacenters Dropbox has besides the one in Richardson;

¹ Dropbox's motion to transfer, ECF No. 29 (filed publicly); Datanet's opposition redacted copy filed as ECF No. 66; and Dropbox's reply in support of its motion redacted copy filed as ECF No. 74.

and the number of individuals at Dropbox's San Francisco Office and File Sync sub-team. However, the parties sought to redact this information from the order. ECF NO. 80 at 5–6.

In deciding whether to allow public access to court records, a court "must balance the public's common law right of access against the interests favoring nondisclosure." *Vantage Health Plan, Inc. v. Willis-Knighton Med. Ctr.*, 913 F.3d 443, 450 (5th Cir. 2019) (citing *Sec. & Exch. Comm'n v. Van Waeyenbergh*, 990 F.2d 845, 848 (5th Cir. 1993)). Undergirding the balancing of the public's common law right of access against the interests favoring nondisclosure is a "presumption in favor of the public's common law right of access to court records," reflecting the fact that "[p]ublic confidence [in our judicial system] cannot long be maintained where important judicial decisions are made . . . with the record supporting the court's decision sealed from public view." *Id.*

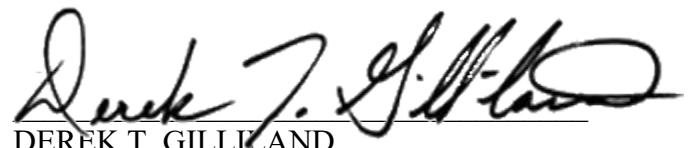
At the November 2, 2023, hearing, the Court directed the parties address the proposed redactions and submit a revised proposed redactions within 7 days of the hearing. Therefore, the parties are hereby **ORDERED** to submit via email to the Court's law clerks, TXWDml_NoJudge_Chambers_WA_JudgeGilliland@txwd.uscourts.gov, proposed redactions to the Court's Order denying transfer, ECF No. 80, by **5 PM CST ON NOVEMBER 9, 2023**.

Additionally, at the November 2, 2023, hearing, the Court noted that ECF No. 83, Dropbox's Motion for Leave to File Sealed Document, which had been filed the night before, on November 1, 2023, does not contain a certificate of conference, or state if the Motion for Leave is opposed, as required by the Local Rule CV-7(g) and Judge Garcia's Fact Sheet. Judge Garcia Fact Sheet at 10 #58 (available at: <https://www.txwd.uscourts.gov/wp-content/uploads/2023/01/Court-Facts-for-US-District-Judge-OLGarcia-Oct-2023.pdf>); W.D. Tex. Loc. R. CV-7(g). The Court reminded the parties of the need to meet and confer on all motions, and will withhold ruling on

ECF No. 83 until after the time for plaintiff to file opposition to the Motion for Leave. W.D. Tex.
Loc. R. CV-7(d)(2).

IT IS SO ORDERED.

SIGNED this 7th day of November, 2023



DEREK T. GILLELAND
UNITED STATES MAGISTRATE JUDGE